

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WILLARD L. SLOAN, EUGENE J.  
WINNINGHAM, and JAMES L. KELLEY,  
on behalf of themselves and a similarly  
situated class,

Plaintiffs,

Case No. 09-cv-10918  
Hon. Paul D. Borman  
Magistrate Mona K. Majzoub

v.

**Class Action**

BORGWARNER, INC., BORGWARNER  
FLEXIBLE BENEFITS PLANS and  
BORGWARNER DIVERSIFIED  
TRANSMISSION PRODUCTS, INC.,

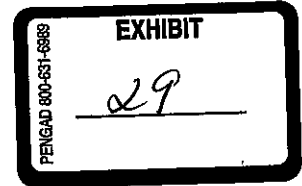
Defendants.

---

**EXHIBIT 9**

**TO**

**PLAINTIFFS' MOTION  
FOR SUMMARY JUDGMENT  
AS TO LIABILITY**



**Tentative Agreement on Insurance's and Pensions  
11/28/00**

**Prescription Drugs:**

**Effective April 1, 2001 Prescription Plan adds 3<sup>rd</sup> tier at \$25 Co-pay that would apply only when the covered employee insists on a non-preferred drug which is not medically necessary.**

**Effective April 1, 2001 Mail Order Prescriptions Co-pay of \$5  
Generic/ \$7 Brand**

**Agreed to Language that provides for Medicare wrap around should Medicare Insurance be changed to include Drugs.**

**Health Insurance:**

**Agreed to provide CIGNA information online as soon as it is available.**

**Effective April 1, 2001 agreed to eliminate age restrictions on cosmetic surgery.**

**Effective April 1, 2001 agreed to increase lifetime maximum mental health outpatient visits to 60.**

**Effective April 1, 2001 agreed to increase Major Medical Lifetime maximum to \$1.2 million**

**Effective March 12, 2001 any employee eligible medical insurance under the SUB Plan will be provided under the PPO Plan.**

**Increase Deductibles/Stop Losses 5%/year beginning in 2003**

**Sickness and Accident:**

**Effective first full pay after March 12, 2001 \$335/week  
Effective first full pay after March 12, 2002 \$340/week  
Effective first full pay after March 12, 2003 \$345/week  
Effective first full pay after March 12, 2004 \$350/week  
Effective first full pay after March 12, 2005 \$355/week**

**Pensions:**

**Defined Benefit Plan-**

Effective April 1, 2001 \$29.50 per Month per Year of Service

Effective April 1, 2002 \$30.50 per Month per Year of Service

Effective April 1, 2003 \$31.50 per Month per Year of Service

Deferred Vested Benefits will be equal to basic benefit increases.

**Disability/Special Early Retirement-**

Effective April 1, 2002 \$25/Rate \$725 Maximum Benefit

Effective April 1, 2004 \$26/Rate \$740 Maximum Benefit

Effective April 1, 2005 \$26.50/Rate \$750 Maximum Benefit

**Supplemental Benefit-**

Effective April 1, 2001 \$1900

Effective April 1, 2002 \$2000

Effective April 1, 2003 \$2100

Effective April 1, 2001 Transition and Bridge increased to \$550

Effective April 1, 2001 Automatic Survivor Benefit increased to 75%

Agreed to language upon ratification that allows for a two-week grace period to allow an employee to work up to two weeks without forfeiting disability retirement.

**RSP-**

Effective April 1, 2001 401H Match increased to \$500 per Year

New Investment Options for 401K available as soon as possible.

~ 1988 employees recalled over age 50 to receive one time CRA adjustment

*from time they reach age 50  
date of being recall*

**Life Insurance:**

Effective April 1, 2001 \$500 increase

Effective April 1, 2002 \$500 increase

Effective April 1, 2003 \$500 increase

Effective April 1, 2004 \$500 increase

**Accidental Death and Dismemberment:**

Effective April 1, 2001 \$500 increase 28000

Effective April 1, 2002 \$500 increase 28500

Effective April 1, 2003 \$500 increase 29000

Effective April 1, 2004 \$500 increase 29500

**New Hire Agreement Insurance:**

**Attached Health Care Plan**

**PPO plans with progression on deductibles and stop losses. HMO will also be an option for all new hires.**

DTP012201

SERVICE PROVIDED	In Network - Select Circle	Out of Network
Inpatient Services	80% -- no deductible	70% -- no deductible
Outpatient Surgery/Xray/Lab	80% -- no deductible	70% -- no deductible
Inpatient Surgery	80% -- no deductible	70% -- no deductible
Primary Care Physician - Office Visit	90% after deductible	70% after deductible
Other Physician - Office Visit	80% after deductible	70% after deductible
Outpatient Mental Health Services	80% after deductible; 20 visits per year and; 40 visits per lifetime.	n/a
Inpatient Mental Health Services	80% no deductible; 30 visits per year and; 60 visits per lifetime.	n/a
Outpatient Substance Abuse Services	Included in Mental Health Services	n/a
Inpatient Substance Abuse Services	Included in Mental Health Services	n/a
Emergency Accident Services	80% after deductible	80% after deductible if emergency; 70% if non emergency
Chiropractic and Podiatry	80% after deductible; Chiropractor limited to \$500 per plan year	70% after deductible; Chiropractor limited to \$500 per plan year
Hospice and Skilled Nursing	100% -- for terminally ill patients limited to \$7,000 per lifetime.	100% -- for terminally ill patients limited to \$7,000 per lifetime.
Medical Equipment and Prosthetic Devices	80% after deductible	70% after deductible
Ambulance	80% after deductible	70% after deductible
Physical & Occupational Therapy	80% after deductible	70% after deductible
Home Health Care	80% -- no deductible; \$5,000 maximum per plan year.	70% -- no deductible; \$5,000 maximum per plan year.
Allergy Treatments	80% after deductible - treatment; 80% -- no deductible - testing	70% after deductible - treatment; 70% -- no deductible - testing
Immediate/Urgent Care Services	80% after deductible	70% after deductible
<b>DEDUCTIBLES</b>		
Individual	\$250 *	\$500
Family	\$500 *	\$1,000
<b>STOP LOSS</b>		
Individual	\$1,250	\$2,500
Family	\$2,500	\$5,000
<b>PRESCRIPTION SERVICES</b>		
	Express Scripts - Value RX Network	
Generic	\$7	
Select Brand Name/Formulary	\$12	
Non-select Brand Name	\$25	
Mail Order	Generic -- \$5 Brand Name -- \$7	

DTP012202

CONTRIBUTIONS		
Individual	no contributions	
Family		

\* \$250 increases to \$350 equally  
over 5 years/ \$500 increases to  
\$700 equally over 5 years

DTP012203

**DENTAL/VISION**

<b>DENTAL</b>	
Coverage A: Diagnostic, Preventive, Palliative	100% -- no deductible
Coverage B: Restorative, Periodontics, Endodontics, Oral Surgery	80% after deductible
Coverage C: Prosthetics	50% after deductible
Coverage D: Orthodontics	50% after deductible
<b>DEDUCTIBLES</b>	
Individual	\$50
Family	\$50 per person up to four (4) people
<b>LIFETIME MAXIMUMS</b>	
Individual	\$1,250
Family	\$5,000
Orthodontic	\$1000 per person
TMJ	\$1000 per person

<b>VISION</b>	
Complete Exam	\$35
Frames	\$28
Lenses:	
single	\$30
bifocal	\$40
trifocal	\$50
contact	\$30
contact (medically prescribed)	N/A
Exams and lenses are once per two calendar years. Frames are limited to one pair every two calendar years unless doctor certifies that new frames are required due to a new prescription.	All services are limited to once every two calendar years.

<b>Dental/Vision Employee Contribution</b>	
Individual	
Family	

\* Dental/Vision Coverage becomes available after one year of employment.

<b>EMPLOYEE LIFE INSURANCE</b>	
Coverage while actively working	\$15,000

<b>OPTIONAL DEPENDENT LIFE</b>	
--------------------------------	--

DTP012204

Amount of Coverage	Employee Cost
\$5,000 per eligible dependent	\$2.00
\$10,000 per eligible dependent	\$4.00

A & S Weekly Disability Benefit	
1st of month following gaining seniority	\$125/week for 26 weeks over a consecutive 18 month period
1st of 13th month following seniority date	\$250/week for 26 weeks over a consecutive 18 month period

DTP012205

***Amended 3<sup>rd</sup> Page of Economic Highlights***

**New Hire Agreement Insurance:**

**Attached Health Care Plan**

**PPO plans with progression on deductibles and stop losses. HMO will also be an option for all new hires.**

**Boiler Room Fireman effective first full pay after 3/12/01 \$.50 per on call hour.**

**Utility wage rate will be increased by \$.49 per hour effective first full pay after 3/12/01.**

**Cancer Benefit for Eligible Active Employees will be extended until 3/12/2006**

**Retention Bonus will be extended until 3/12/2006**